

MINUTES

307th Meeting Contractors' Registration and Licensing Board May 13, 2015

The meeting began with the pledge of allegiance to the flag of the United States of America led by: Felix Carlone Chairman.

The Board had a moment of silence in memory of Tom Furey's dad, who recently passed.

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:44 PM after obtaining a quorum.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. David Caldwell and seconded by Mr. William Geddes.

(C) The minutes of the 306th meeting, April 8, 2015, were approved on a motion by Mr. David Caldwell and seconded by Mr. Eric Wishart.

Introduction of two new Board Members Appointed by the Governor for Underground Utility License Holders:

Tony Raposo: Representing the Utility Contractors Association of Rhode for a term expiring on September 1, 2017;

Mathew Olsen: Representing the Rhode Island Independent Contractors & Associates for a term expiring on September 1, 2017.

Also the Board was introduced to the new intern, Alexander Dickie.

(D) Court Case Update: May 2015 - Court Ordered Restitution/Fines:

Contractor Claim/File/Case Fines Restitution

J. Braz (61-15-01091/claim 8085) 750 -

Gary Bouffard (61-14-13174/cl 7858) - 1,650 (filing)

Emanuel Melo (61-14-13179/cl 7680/file 8243(1)) 750 500

M. Jodoin (61-2005-03463/cl 4441) - 11,800 (paid through court)

J. Pelland (61-15-01088/cl 8192) - 950 (paid)

J. Miceli (61-14-13175/cl 7820) * 9,520 (filing)

K. Lewis (61-11-14608/cl 5493) - 775 (paid)

**D. Bottoms (61-14-11755, 11756, 11757, 11758, 13176/cl 8227)
(checking amounts)**

*** = fine is still due to CRB but was not ordered by the courts**

Fines \$1,500

Restitution \$25,195

TOTAL: \$26,695

May 2015 - Funds Received Via CRB:

Contractor Claim/File Fines Restitution

J. Paiva File 4922(2) 250 (paid) -
J.R. Pearson Claim 7186 - 250 (payment)
R. Pesapane Claim 8293 - 2,800 (paid/settled)
S. Sweeten Claim 8489 - 339 (paid/settled)
F. Martin Claim 8418 - 3,000 (paid/settled)
D. Smith Claim 8378 - 500 (paid/settled)
J. Reilly File 10561 250 (paid) -
J. Bergantini Claim 8427 - 13,000 (paid/settled)
J. Ribeiro Claim 7050 - 10 (payment)
J. Reilly Claim 8496 - 1,725 (paid/settled)
A. Roberge Claim 8457 - 437.50 (paid/settled)
D. Dasilva Claim 5772 500 (paid) 1,025 (paid/settled)
A. Fiorio Claim 3034 - 2,000 (paid/settled)
C. Harkins File 5293(2) 500 (paid) -
J. Clark Claim 8333 - 2,000 (payment)
J. Iafrate Claim 8405 - 670 (payment)
M. Jodoin File 3441 100 (paid) -
J. Rowan Claim 8448 - 1,800 (paid/settled)
P. Ruggeiro File 7553(1) 150 (paid) -

Fines \$1,750

Restitution \$29,556.50

TOTAL: \$ 31,306.50

Upcoming court dates:

Felony Screening (OMUFP > 1,500) - Edward Elston

(22-13-02636/OMUFP / Claim 8125)

5/22/15 Arraignment – Alvin Morris Williams (OMUFP/Conspiracy – P2-2014-1709A)

5/28/15 – PTC - Scott Brown (61-15-04111/claim 8388)

5/22/15 – PTC - Joshua Genereux (claim 8301 and file 10039/61-15-04113 and 61-15-04097)

5/26/15 – PTC - Jason Leone (61-15-01089/ claim 8190)

5/12/15 – PTC - Richard Parrillo (claim 8169/61-15-02932)

5/13/15 – PTC - James Clarke (claim 8212/61-15-02934)

5/15/15 – PTC - Josue Najera (claim 8381/61-15-04112)

5/27/15 – PTC - (Guilty – 61-15-01087 Appealed to Superior Court – now P3-2015-1091A) - Anthony Piccirilli (claim 8177)

5/27/15 – PTC - Matthew Warhurst (NRB 6663(9)/61-15-02930) (61-15-02931 / NRB 6663(10))

5/13/15 – PTC - Everett Gibbons (61-15-01090/cl 8217 & file 10201(1))

5/21/15 – PTC - Scott Hicks (61-14-13177/cl 7722)

5/29/15 – Arraignment - Edward Joseph (61-13-12063) (picked up on warrant)

Outstanding Warrants:

- Jose Tavares (P2-14-2391A OMUFP – same facts as claim 8230) (Failed to Appear – Warrant)

- Marvin Reyes, 179 Carleton Street, Providence, RI 02908 (no case number?)

- Otto De Jesus Mendoza Lopez, 121 Bradford St., Bristol RI 02809 (# file 8728(1)) (no case number?)

- Joseph Forte (NRB 2741(4)/61-15-02933) (BW issued FTA)

Status of Administrative Appeals:

Kapucinski v. CRB – Filed Opposition/Objection to Petition for Cert to the Supreme Court.

Stephen Colucci/Colucci Brothers v. CRB –Admin Appeal.

Greene v. CRB –Admin Appeal. (PC-14-3371) – Settled for \$3,500. \$2,500 paid on 11/25/14 (admin appeal will be dismissed).

(E) Review of pending issues with Code Officials from Rhode Island Building

Officials Association; No pending issues, Building Officials were not in attendance.

(F) Consideration of Cases on Appeal and Oral Argument:

APPEALS and MOTIONS:

1. 12:40 PM: Claim # 8281, Manuel Pereira, Manuel P. & Son Pool Service, Registration #27914; Exceptions filed by the Respondent regarding the findings of the hearing officer. The Matter was heard by the Board and the exception filed by the Respondent were presented to the Board and the Claimant was also in attendance. Upon much discussion and review of the file the Executive Director asked, before the matter was put to a vote, if there was any possible resolution to settle this claim. The chairman Felix Carlone, suggested a possible

settlement. A motion was made by Eric Wishart and seconded by David Caldwell to have the Respondent, Manuel P. and Son provide the Claimant with a certified check or money order in the amount of \$2,100.00, in five days and if paid matter would be closed, otherwise would go forward with the Proposed Order. The Board unanimously passed this modification.

2. 1:00 PM: Claim # 8295 and violation #10278 #1, Jefe Properties LLC.,

registration #37744; Exceptions filed by the Respondent regarding the findings of the hearing officer. Both parties were present and the Respondent presented his exceptions. After reviewing the file further and evidence, the Claimant presented her concerns and problems. After more discussion a motion was made by Felix Carlone and seconded by Eric Wishard to amend the decision rendered by the hearing officer to reduce all the fines assessed as well as action on the Revoked Registration if the Respondent paid the Claimant the sum of \$23,867.00 within thirty days of receipt date of the Final Order; however; if Respondent failed to pay the Claimant in the time specified then the original Order assessing fines and action on the Registration would be in effect. After reviewing the changes the Board unanimously voted in favor of the changes.

3. 1:30 PM: Claim #8416, Burgess Environment and Restoration, Francis

Martin, Registration #23725; Exceptions filed by the Respondent regarding the findings of the hearing officer. The Homeowner was in attendance but the Respondent after notice and opportunity failed to attend. After waiting for the Respondent to show and his failing to do so a motion was made by the chairman Felix Carlone and second by Eric Wishart to uphold the decision rendered by the hearing officer and issued in the Proposed Order. The motion passed unanimously.

4. 1:50 PM: Claim #8394, Burgess Environment and Restoration, Francis Martin, Registration #23725; Exceptions filed by the Respondent regarding the findings of the hearing officer. The Respondent failed to attend after notice and opportunity and the Homeowner was present. The Board again waited a reasonable time and then a motion was made by Arthur Salisbury and seconded by Eric Wishart and David Caldwell to uphold the decision to the hearing officer. The motion was called by the chairman and passed unanimously.

EXPUNGEMENTS:

1. 2:10 PM: Request from Alan Muoio, registration #3436, to expunge violation #1906. The contractor who filed the request failed to show after having been sent notice and given opportunity to present reasons for his request for expungement. A motion was made by Felix and seconded by Martin Ezeama to deny this request and when motion was called by the chair the vote was unanimous to deny.

2. 2:15 PM: Request by Kevin Aubee, Registration 8655; to expunge Claim #

7163, and violation File #10072 insurance. The Contractor presented his first request to expunge Claim #7163 from record. He was questioned by the Board and they reviewed the file. A motion was made by Felix Carlone and seconded by David Caldwell to expunge which unanimously passed. The second request for insurance expungement was heard file #10561 and Eric Wishart made a motion to expunge seconded by Martin Ezeama and passed with Felix Carlone voting in opposition.

3. 2:20 PM: Request by Dehigar Ramirez, Registration #33105; to expunge File #

7370, NRB violation. The contractor as stated in his letter was not in attendance and the Board on a motion by Felix Carlone and second by Eric Wishart denied the request unanimously.

4. 2:30 PM: Request by John Reilly, Jr., Registration #31019; to expunge File

#10561 #1 and Claim #8496. The Contractor presented his requests which were heard by the Board the first one, claim #8496 on a motion by Felix and seconded by David Caldwell to expunge was unanimous and the second violation #10561 on a motion by Eric Wishart and second by Martin Ezeama to expunge. This motion also carried unanimously.

5. 2:35 PM: Request by Carol O'Donnell, CRM, Registration #7871; to expunge

Claim #992 and Claim #3960. The contractor, Carol O'Donnell had two claims she was seeking expungements. The first, cl #992 was reviewed by the Board and a motion was made by David Caldwell and seconded by Eric Wishart to expunge record was called by the chairman and passed with Felix Carlone voting in opposition of this request. The second cl#3960 was also reviewed by the Board and had a letter from the homeowner which was provided to the members from the Executive Director. Upon reviewing this matter and listening to the Respondent present reasons for expungement a motion was made by Eric Wishart and seconded by David Caldwell and Martin Ezeama to expunge. Motion was called by chair an expungement request passed with Felix Carlone voting in opposition.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 5/13/2015

Registrations:

Number of Registered Contractors	11556	
Number of Cards Surrendered	6957	
Number of Cards Expired/Lapsed	18005	Number of Cards
Invalidated	1687	
Number of Cards Suspended	503	

Number of Cards Revoked 121

Registration Actions

Number of New Registered Contractors 152

Number of Renewed Contractors 11404

Number of Cards Surrendered 38

Registrations Invalidated 0

Registrations Suspended 6

Registrations Revoked 1

Claims:

Administrative Appeals 2

Board Appeals 4

Address Traces 80

Awaiting Further Action 29

Court

601

Disposed 278

Final Orders 44

Hearings 30

Out of State Services 13 Proposed Orders 142

Under Investigation 98

Total Claims Filed with the Board 8057

Number of New Claims Processed 9

Violations:

Action Against Registration	56	
Advertising	3	
Cancelled Insurance		1308
Notice of Hearing	3	
Non-Registered Contractor		
910		
TOTAL RECORDS	2304	

Number of New Violations **36**

Lapsed Registrations/Never Re-Newed:

January	2015
51	
February	2015
72	
March	2015
86	

April **2015**
130

Month	# Tickets Issued
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Fines

May 2014	5
\$1,025.00	
June 2014	7
\$1,475.00	
July 2014	0
\$.00	
August 2014	6
\$ 2,500.00	
September 2014	4
\$ 1,100.00	
October 2014	0
\$.00	
November 2014	2
\$ 250.00	
December 2014	2
\$ 1,000.00	
January 2015	3
\$1,250.00	
February 2015	1
\$ 500.00	

March 2015	1
\$ 250.00	
April 2015	3
\$ 2,250.00	

Commercial Roofers:

Number of Registered Roofers

147

Number of New Registered Contractors	2
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Number of Renewed Roofer Contractors	145
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Number of Cards Surrendered	22
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Number of Expired/Lapsed	75	Registrations Invalidated	0
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Registrations Suspended	0
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Registrations Revoked	0
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(H) Old Business:

(1.) Regulations, laws and standards were the topic of discussion. The Public Hearing which was held on Thursday April 2, 2015 at 3:00 PM in Conference Room “A” at One Capitol Hill, Providence, Rhode Island produced public comments and recommendations. After review by Regulatory Reform they were filed with the Secretary of State and they will become effective on May 14, 2015.

(I) New Business:

(1.) Budget: It does not appear that a rate increase for the next fiscal year will be needed at this time but may be reviewed again for fiscal year 2017.

(2.) Computer Program Update: We are currently testing the system.

3) Positions: Still waiting on the position of enforcement aide or another similar

position which may cause delays to the new licensing programs. This position has

been vacant since March 2013. The Principal Building Official Position is also

vacant and needs to be filled.

4) PSI: The date to get licensing programs up and running was moved to August 2015 with hopes that all the other licensing programs are ready with their rules and regulations.

5) Roofers and Well/Pump installers licensing requirements. Legislation was submitted in regard to this to include water filtering systems. Several other bills have also been filed in this regard and are up for consideration.

6) Board Appointments: Two new appointments were made by the Governor: Tony Raposo; Representing the Utility Contractors

Association of Rhode for a term expiring on September 1, 2017; and Mathew Olsen: Representing the Rhode Island Independent Contractors & Associates for a term expiring on September 1, 2017. Other pending appointments for expired terms have yet to be made by the Governor.

7) Legislation: Currently many bills are pending for consideration. Other legislation has been submitted including making the failure to comply with a Final Order a felony offense which is S756 which will would be a major improvement to our current process..

8) Underground Utility Contractors License: Emergency rules and regulations were developed and filed by the Board. A onetime 90 day extension was agreed to by the Board and should be filed as soon as possible. Date to start review of rules and regulations was set for May 28, 2015 at 12:30 PM at One Capitol Hill and notice and posting will be established.

9) Education Sub-Committee: Board established a subcommittee on education of three members pending their approval. Members will consist of: Felix Carlone, Tom Furey and Arthur Salisbury. This was to be discussed further at next meeting. Concerns as to how we are going to approve courses and providers was discussed and proposed application was approved by the Board. Notice will be provided on web and at next meeting we hopefully will be able to review potential courses and applicants. Board decided to extend to

July 1, 2015 as the date to have pre-registration classes' requirements for new contractors.

(J) Public Comment: None

(K) Announcements:

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The next Board meeting will be held on Wednesday, May 13, 2015 at 12:30 PM,

Conference Room "A" 2nd Floor. One Capitol Hill, Providence, Rhode Island.

(L) Adjournment: A motion was made by David Caldwell and seconded by Mr.

William Geddes to adjourn the meeting at 3:25 PM.

Members Present: Felix Carlone, Mathew Olson, Tony Raposo, David Caldwell,

William Geddes, Martin Ezeama, Arthur Salisbury, Michael Fox, and Eric Wishart.

Members Absent: Tom Furey, William Nash, Steve Carlino, Robert Cardoza, Paul

Brunetti, Edgar Ladouceur, J.L.Brillon and Ron Caniglia.

**Others Present: George Whalen (Executive Director),
Attorney Arielle Yaffee,
stenographer, appeal parties, expungement parties and
staff.**

Respectfully Submitted,

George W. Whalen

**Executive Director Rhode Island Contractors' Registration and
Licensing Board**